IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.2996 OF 2006
IN
FIRST APPEAL NO.40 OF 1984

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Office notes, office memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

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Shri N.Dinker Rao for the Applicants.
Shri M.N.Moje for the Respondents.

CORAM : ABHAY S.OKA, J.
DATED : MARCH 02, 2007.

P.C.:

1. Heard Advocates appearing for the parties. The prayer in this Application is for setting aside abatement and for bringing on record legal representatives of the deceased Respondent No.2. This Application is filed on the basis of letter dated 22nd June, 2006 sent by the Advocate of the second Respondent informing the Advocate for the Applicants that the second Respondent had died on 26th November, 1992. The submission of the learned Advocate appearing for the proposed legal representatives is that the original Appellant Kashinath attended the funeral of deceased Respondent. He submitted that this fact mentioned

in the reply is not denied by the Applicants. It is obvious that the said fact could not be denied as Kashinath is already dead and present Respondents are his legal representatives. Considering the averments made in the Application, the same deserves to be allowed. Application is allowed in terms of prayer clauses (a) to (c). Amendment to be carried out within six weeks from today. The Applicants are directed to pay costs of Rs.2,500/- to the legal representatives of the second Respondent.

JUDGE